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10 Attorneys for Plaintiffs  
11 Avid Life Media, Inc. and Avid Dating  
12 Life, Inc. dba Ashley Madison

13 UNITED STATES DISTRICT COURT  
14  
15 CENTRAL DISTRICT OF CALIFORNIA

16 AVID LIFE MEDIA, INC., an Ontario  
17 corporation, and AVID DATING LIFE,  
18 INC., an Ontario corporation dba  
19 ASHLEY MADISON.

20 Plaintiffs,

21 vs.

22 DIGISEC MEDIA AS dba  
23 *www.victoriamilan.com*, a Norway  
24 company; SIGURD VEDAL, an  
25 individual; and DOES 1 THROUGH 10,

26 Defendants.

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CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

CV12-08602-JAK(FMO)

Case No..

COMPLAINT FOR TRADE DRESS  
INFRINGEMENT/FALSE  
DESIGNATION OF ORIGIN,  
TRADE DRESS DILUTION,  
COMMON LAW UNFAIR  
COMPETITION, STATUTORY  
UNFAIR COMPETITION (CAL.  
BUS. & PROF. CODE § 17200)

DEMAND FOR JURY TRIAL

1 Plaintiffs Avid Life Media, Inc. dba Ashley Madison and Avid Dating Life, Inc.  
2 (together, "Ashley Madison" or "Plaintiffs"), for their complaint against defendants  
3 Digisec Media AS, Sigurd Vedal, and Does 1 through 10 (together, "Defendants"),  
4 allege as follows:

### 5 **NATURE OF ACTION**

6 1. Plaintiffs operate a website dating service under the famous ASHLEY  
7 MADISON trademark at www.ashleymadison.com. The Ashley Madison business,  
8 which has been in continuous operation since 2002 under the ASHLEY MADISON  
9 trademark, is designed to facilitate discreet adult relationships in an online  
10 environment with the possibility that the online relationship will mature into a physical  
11 meeting. Ashley Madison targets, among others, consumers who reside in the United  
12 States and who desire to have a romantic relationship in the United States as well as  
13 outside the United States, including in the United Kingdom, where Ashley Madison  
14 formally launched its services in 2005. Ashley Madison has spent millions of dollars  
15 designing its website, fine-tuning its business model, and advertising its services in the  
16 United States and around the world, in order to create brand awareness and a consumer  
17 base.

18 2. In defiance of United States laws protecting the owners of intellectual  
19 property, Defendants have stolen the famous Ashley Madison trade dress and have  
20 been improperly trading off the goodwill created by Ashley Madison's substantial  
21 investment of time and money, as well as—among other things—confusing the  
22 consuming public with respect to whether there is an affiliation between Ashley  
23 Madison and Defendants. By this civil action, Ashley Madison now seeks damages  
24 and injunctive relief for the Defendants' continuing infringement of trade dress, false  
25 designation of origin, trade dress dilution, and for Defendants' engaging in unfair  
26 competition.

**THE PARTIES**

3. Plaintiff Avid Life Media, Inc. is a corporation organized and existing under the laws of Ontario, Canada and owns various companies that are in the business of operating online dating websites.

4. Plaintiff Avid Dating Life, Inc. dba Ashley Madison is a corporation organized and existing under the laws of Ontario, Canada and is regularly engaged in the business of operating online dating websites, including [www.ashleymadison.com](http://www.ashleymadison.com).

5. On information and belief, defendant Digisec Media AS ("Digisec") dba victoriamilan.com is a company formed under the laws of Norway, with a principal place of business located at Martin Linges vei 25, N-1364 Fornebu, NORWAY. On information and belief, Digisec is the owner and/or licensed operator of a dating website located at the uniform resource locator [www.victoriamilan.com](http://www.victoriamilan.com).

6. On information and belief, defendant Sigurd Vedal ("Vedal") is an individual residing at Ullem Allé 28, N-0381, Oslo, Norway. On information and belief, Vedal is the Chief Executive Officer of Digisec and has had personal involvement in the conduct of Digisec as alleged herein.

7. Ashley Madison is currently unaware of the identities of defendants Does 1-10 and therefore sues such defendants by fictitious pseudonyms. Ashley Madison is informed and believes, and on that basis alleges, that discovery will reveal the true identities of those defendants and then will amend this Complaint to identify those defendants by name after such discovery.

8. On information and belief, the actions alleged herein to have been undertaken by Defendants were undertaken by each defendant individually, were actions that each defendant caused to occur, were actions that each defendant authorized, controlled, directed, or had the ability to authorize, control, or direct, and/or were actions in which each defendant assisted, participated, or otherwise encouraged, and are actions for which each defendant is liable. On information and belief, each defendant aided and abetted the actions of the Defendants set forth below;

1 in particular, each defendant had knowledge of those actions and provided assistance  
2 and benefitted from those actions, in whole or in part. Each defendant was the agent of  
3 the other Defendants, and in engaging in the conduct alleged herein, was acting within  
4 the course and scope of such agency and with the permission and consent of each and  
5 every one of the other defendants.

### 6 **JURISDICTION AND VENUE**

7 9. This action arises under the Lanham Act, 15 U.S.C. §§ 1051 *et seq.* and  
8 contains related California statutory and common law claims. This Court has subject  
9 matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338, as this is  
10 an action arising under the laws of the United States and relating to trademarks. This  
11 Court has subject matter jurisdiction over the state and common law claims pursuant to  
12 28 U.S.C. § 1367, as those claims are part of the same case or controversy as the  
13 federal claims alleged herein.

14 10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2).

15 11. This Court has personal jurisdiction over Defendants, who have directed  
16 tortious acts at Ashley Madison in this District, and have committed tortious acts that  
17 they knew or should have known would cause injury to Ashley Madison in this  
18 District.

19 12. Defendants' contacts with this District are systematic and continuous. On  
20 information and belief, Defendants are targeting, among others, United States  
21 consumers, in order to drive those consumers to the [www.victoriamilan.com](http://www.victoriamilan.com) internet  
22 website in order to augment their consumer base. Attached hereto as Exhibit A is a  
23 copy of a screen shot of the home page of Defendants' [www.victoriamilan.com](http://www.victoriamilan.com)  
24 website display that reflects the Defendants' accommodation of and solicitation for  
25 transactions with consumers who reside in the United States.

26 13. Upon information and belief, Defendants' website service is not a passive  
27 website, but rather is an interactive website where members subscribe, create personal  
28

1 profiles, and can interact—including sending messages—to other members of  
2 Defendants' website service.

3 14. Defendants' www.victoriamilan.com website allows for residents of this  
4 District to subscribe to Defendants' service, to create personal profiles, and to browse  
5 the profiles of other members who reside in this District—ostensibly to facilitate those  
6 members to engage in relationships. In response to inquiries from consumers who visit  
7 Defendants' website and wish to contact persons in this District for a relationship,  
8 Defendants website displays the profiles, or portions of the profiles, of Defendants'  
9 members who Defendants represent reside in this District.

10 15. On information and belief, Defendants allow their members to pay for  
11 Defendants' services offered through the www.victoriamilan.com website by making  
12 payments using all major credit cards, Paypal, and other methods. On information and  
13 belief, consumers who reside in this District have made payments to Defendants for  
14 services offered through Defendants' www.victoriamilan.com website.

### 15 FACTUAL ALLEGATIONS

#### 16 Ashley Madison's Trademark(s) and Trade Dress

17 16. Avid Dating Life, Inc. is the owner of a federal registration on the  
18 ASHLEY MADISON service mark covering, *inter alia*, the field of "Computer  
19 services, namely, on-line dating and matchmaking and social introduction services."  
20 (The "Ashley Madison Service Mark.") The Ashley Madison Service Mark is now  
21 incontestable pursuant to 15 U.S.C. § 1065. Attached hereto as Exhibit B is a true and  
22 correct copy of a print out reflecting the status of the ASHLEY MADISON service  
23 mark.

24 17. Ashley Madison has also designed and developed and is the owner of a  
25 unique and famous trade dress for the website located at the uniform resource locator  
26 www.ashleymadison.com, which is the internet homepage for the Ashley Madison  
27 dating service. Attached hereto as Exhibit C is a true and correct copy of a print out  
28

1 reflecting the home page trade dress of www.ashleymadison.com. (Referred to herein  
2 as the "Trade Dress.")

3 18. Ashley Madison's Trade Dress is non-functional. Specifically, the choice  
4 of the graphics, including the depiction of a woman with her finger near her sealed lips  
5 is not set forth in a manner designed to achieve a particular utility.

6 19. Ashley Madison's Trade Dress is inherently distinctive and has acquired  
7 secondary meaning. The website on which the Ashley Madison Trade Dress is  
8 displayed averages approximately 7.9 million unique visitors per month and receives  
9 approximately 92 million United States visitors each year. The Ashley Madison  
10 service has millions of members.

11 20. Moreover, the Ashley Madison Service Mark and Trade Dress possess  
12 substantial national brand recognition and awareness amongst the general public as a  
13 result of Ashley Madison's extensive public relations and advertising efforts. Such  
14 efforts include but are not limited to the following: approximately \$1 million (per year)  
15 spent on advertising on Howard Stern's radio program, who on information and belief  
16 has approximately 6 to 12 million weekly listeners; television commercial advertising  
17 on the cable channel Comedy Central, which channel on information and belief  
18 reaches approximately 90 million American homes; and advertising in Bloomberg  
19 Business Week, which publication on information and belief has in excess of  
20 1,000,000 in hard copy circulation in addition to its internet presence. The Ashley  
21 Madison Service also has received substantial unsolicited media attention, further  
22 strengthening the Ashley Madison Service Mark and Trade Dress. Such media  
23 attention includes but is not limited to references to the Ashley Madison Service Mark  
24 and Trade Dress on the Jay Leno Show, on the Conan, in USA Today, in Yahoo News,  
25 on The View, on the Jim Rome radio show, in the New York Post, in the Washington  
26 Post, and on CNN Headline News.

27 21. As a result of these among other facts, a substantial segment of the  
28 consuming public makes a mental association between Ashley Madison's Service

1 Mark and Trade Dress—including the photograph of a woman with her finger near her  
2 sealed lips—and the source of that service.

3 **Defendants' Wrongful Conduct Regarding Ashley Madison's Trade Dress**

4 22. On information and belief, Defendants launched a website dating service  
5 that competes with the Ashley Madison service. On information and belief,  
6 Defendants engaged in a campaign to intentionally copy Ashley Madison's Trade  
7 Dress as well as to steal Ashley Madison's loyal customer base and potential  
8 customers.

9 23. Defendants' website dating service is, or has been, available on the  
10 internet at the uniform resource locator www.victoriamilan.com.

11 24. At all times relevant to the allegations herein, Defendants'  
12 www.victoriamilan.com website has offered substantially the same, if not exact,  
13 service offered by Ashley Madison.

14 25. Defendants' began their website dating service to compete with Ashley  
15 Madison in Europe, in or around late 2010, 5 years after Ashley Madison had launched  
16 and established its presence in Europe. In or around spring, 2012, Defendants  
17 expanded their marketing to obtain United States consumers. Upon information and  
18 belief, in an effort to obtain Ashley Madison's customers and potential customers,  
19 Defendants' website at www.victoriamilan.com presented graphical displays which are  
20 confusingly similar to and thereby infringe Ashley Madison's famous Trade Dress.  
21 Attached hereto as Exhibit A is a copy of a screen shot of a web page that, on  
22 information and belief, Defendants were using at least as of October 2012 at the  
23 www.victoriamilan.com uniform resource locator.

24 **Ashley Madison's Efforts To Resolve The Matter**

25 26. In or around January 2011, Ashley Madison contacted Defendants to  
26 indicate, among other things, that their homepage for the www.victoriamilan.com  
27 website was confusingly similar to the Ashley Madison website and to request that  
28 Defendants cease using such website. In response to Ashley Madison's



1 communication, Defendants indicated that they would be considering alterations to its  
2 website in a manner that impliedly would address Ashley Madison's concerns.

3 27. In or around March 2011, Ashley Madison contacted Defendants again to  
4 reiterate its prior objection and to demand again that Defendants cease using a  
5 confusingly similar homepage for its www.victoriamilan.com website. In that  
6 communication, Ashley Madison also noted that Defendants had expanded their  
7 confusingly similar marketing practices by using the Ashley Madison Trade Dress in at  
8 least one advertisement on youtube.com.

9 28. On information and belief, Defendants changed the layout of their  
10 website, at least in part, addressing the objectionable use of images that infringed the  
11 Ashley Madison Trade Dress. Nevertheless, in preparation for its expansion of  
12 business in the United States, Defendants have published a website again using the  
13 Ashley Madison Trade Dress.

14 29. Further reflecting Defendants' intent to expand its online dating website  
15 throughout the United States, Defendant Digisec has filed an application for trademark  
16 registration in the United States Patent and Trademark Office under Application No.  
17 79109849 in International Class Nos. 35, 38, 41, 42, and 45 and including in its  
18 description of services, among other things, "providing a website featuring a search  
19 function for identifying and connecting potential social and personal relationships" and  
20 "social networking services for persons interested in dating and forming relationships."

21 30. On information and belief, Defendants have copied the Ashley Madison  
22 Trade Dress with a malicious and calculated intent to steal Ashley Madison's goodwill  
23 and customer base and intent to free ride on same, which have been the result of  
24 Ashley Madison's significant investment of time and money.

### 25 **FIRST CAUSE OF ACTION**

26 (For Federal Trade Dress Infringement/False Designation of Origin and Unfair  
27 Competition under 15 U.S.C. § 1125(a)

28 Against All Defendants)



1           31. Ashley Madison hereby incorporates by reference as though fully set forth  
2 herein, paragraphs 1- 30, inclusive.

3           32. Ashley Madison is the owner of the unique and famous Trade Dress for  
4 the website located at the uniform resource locator www.ashleymadison.com, which is  
5 the internet homepage for the Ashley Madison dating service. Attached hereto as  
6 Exhibit C is a copy of a print out reflecting the home page trade dress of  
7 www.ashleymadison.com.

8           33. Ashley Madison's Trade Dress is non-functional. Specifically, the choice  
9 of the graphics—including the photograph of a woman with her finger near her sealed  
10 lips, are not set forth in a manner designed to achieve utility.

11           34. Ashley Madison's Trade Dress is inherently distinctive and has acquired  
12 secondary meaning. A substantial segment of the consuming public make a mental  
13 association between Ashley Madison's Trade Dress—including the photograph of a  
14 woman with her finger near her sealed lips—and the source of that service. A  
15 substantial segment of the consuming public makes a mental association with the "look  
16 and feel" of Ashley Madison's Trade Dress and the source of the services offered by  
17 the Ashley Madison website.

18           35. Upon information and belief, Defendants, and each of them, exercise joint  
19 control over the website located at www.victoriamilan.com, have acted in concert and  
20 participated in the decision to use, and have induced, cooperated, lent aid, and  
21 encouraged the reproduction, copying, and imitation of Ashley Madison's Trade Dress  
22 in the www.victoriamilan.com website, as shown in (among others) the website page  
23 depicted in Exhibit A, attached hereto, which on information and belief target Ashley  
24 Madison's customers and potential customers. Defendants' www.victoriamilan.com  
25 website, and Defendants' copying of Ashley Madison's Trade Dress, result in a  
26 likelihood of consumer confusion with respect to whether the source of the services  
27 offered by Defendants' websites are affiliated with the source of the services offered  
28 by the Ashley Madison website and associated Trade Dress. Defendants obtain a

1 financial benefit as a result of such confusion. In addition, such action constitutes use  
2 in commerce of certain words, names, and false designations of origin in connection  
3 with the sale and advertising of unauthorized goods and services, which create a  
4 likelihood of confusion, mistake, or deception as to the affiliation, connection, or  
5 association of Defendants with Ashley Madison, or as to the origin, sponsorship, or  
6 approval of Defendants' www.victoriamilan.com website with those of Ashley  
7 Madison. Defendants' conduct is likely to induce consumers to believe, contrary to  
8 fact, that Defendants' www.victoriamilan.com website is sponsored, endorsed,  
9 approved by, or connected with Ashley Madison.

10 36. Defendants' use of Ashley Madison's Trade Dress was done without  
11 Ashley Madison's consent or permission, and with the intent to cause confusion and  
12 mistake as well as to deceive. In fact, Ashley Madison has specifically demanded that  
13 Defendants cease and desist using the Ashley Madison Trade Dress. As a result,  
14 Defendants have committed their infringement and false designation of origin with full  
15 knowledge of Ashley Madison's rights in the Ashley Madison Trade Dress. Thus,  
16 Defendants have willfully, deliberately, and maliciously engaged in the described acts  
17 with the intent to compete unfairly with Ashley Madison and to deceive the public.  
18 Defendants have received a financial benefit as a result of their conduct.

19 37. Defendants' use of Ashley Madison's Trade Dress constitutes trade dress  
20 infringement, false designation of origin, and unfair competition in violation of 15  
21 U.S.C. § 1125(a). Upon information and belief, Defendants, and each of them, have  
22 profited from this activity and have declined to exercise their rights to stop it. Such  
23 actions constitute deliberate and willful violations of Section 43(a) of the Lanham Act,  
24 15 U.S.C. § 1125(a), and the common law.

25 38. Defendants' infringement of, and false designation of origin with respect  
26 to, Ashley Madison's Trade Dress has caused Ashley Madison injury and damages.

27 39. Ashley Madison has been damaged by Defendants' infringement of  
28 Ashley Madison's Trade Dress and false designation of origin and, if Defendants are

1 not restrained, then Ashley Madison will suffer further damage by Defendants'  
2 conduct, including but not limited to an impairment of the value of the goodwill  
3 associated with Ashley Madison's Trade Dress.

4 40. This is an exceptional case under 15 U.S.C. § 1117.

5 41. Defendants' conduct has caused damage to Ashley Madison in an amount  
6 to be determined at trial, and unless restrained, will continue to seriously and  
7 irreparably impair further the value of the Ashley Madison Trade Dress, for which  
8 there is no adequate remedy at law.

9 42. In light of the foregoing, Ashley Madison is entitled to injunctive relief  
10 prohibiting Defendants from using the Ashley Madison Trade Dress, or any trade dress  
11 confusingly similar to the Ashley Madison Trade Dress, for any purpose, and to  
12 recover from Defendants all damages, including attorneys' fees, that Ashley Madison  
13 has sustained and will sustain as a result thereof, in an amount not yet known, but  
14 which circumstances warrant trebling pursuant to 15 U.S.C. § 1117, as well as the  
15 costs of this action.

## 16 **SECOND CAUSE OF ACTION**

17 (Federal Trade Dress Dilution under 15 U.S.C. § 1125(c))

18 (Against all Defendants)

19 43. Ashley Madison hereby incorporates by reference as though fully set forth  
20 herein, paragraphs 1- 42, inclusive.

21 44. The Ashley Madison Trade Dress is "famous" within the meaning of the  
22 Lanham Act and is distinctive by virtue of its inherent and acquired distinctiveness, its  
23 extensive use, its prominence in intended and unsolicited media attention, and its  
24 publicity. As a result of the substantial inherent and acquired distinctiveness and  
25 widespread use, Ashley Madison's Trade Dress is strong and has become widely  
26 respected as a symbol for the service it represents.

27 45. Upon information and belief, Defendants, and each of them, exercise joint  
28 control over the website located at [www.victoriamilan.com](http://www.victoriamilan.com) and, have acted in concert

1 and participated in the decision to use, and have induced, cooperated, lent aid, and  
2 encouraged the use of the Ashley Madison Trade Dress, as alleged above, after the  
3 Ashley Madison Trade Dress became famous.

4 46. Defendants' conduct is without Ashley Madison's permission or  
5 authority. Defendants engaged in such conduct knowingly, deliberately, and willfully  
6 with the intent to trade on Ashley Madison's reputation, fame, and goodwill and to  
7 dilute the Ashley Madison Trade Dress.

8 47. Defendants' unauthorized use of the Ashley Madison Trade Dress in  
9 connection with and to identify their www.victoriamilan.com website is likely to injure  
10 Ashley Madison. Defendants' conduct has diluted and is likely to continue to dilute  
11 the Ashley Madison Trade Dress through blurring and tarnishment in violation of 15  
12 U.S.C. § 1125(c). Upon information and belief, Defendants, and each of them, have  
13 profited from this activity and have declined to exercise their rights to stop it.

14 48. Defendants' unauthorized use of the Ashley Madison Trade Dress in  
15 connection with and to identify their www.victoriamilan.com website is likely to cause  
16 confusion, mistake, or deception as to the affiliation, connection, or association of  
17 Defendants with Ashley Madison, or as to the origin, sponsorship, or approval of  
18 Defendants' www.victoriamilan.com website with those of Ashley Madison.

19 49. This is an exceptional case under 15 U.S.C. § 1117(a).

20 50. Defendants' conduct has caused damage to Ashley Madison in an amount  
21 to be determined at trial, and unless restrained, will continue to seriously and  
22 irreparably impair further the value of the Ashley Madison Trade Dress, for which  
23 there is no adequate remedy at law.

24 51. In light of the foregoing, Ashley Madison is entitled to injunctive relief  
25 prohibiting Defendants from using the Ashley Madison Trade Dress or any mark or  
26 trade dress confusingly similar to the Ashley Madison Trade Dress for any purpose,  
27 and to recover from Defendants all damages, including attorneys' fees, that Ashley  
28 Madison has sustained and will sustain as a result thereof, in an amount not yet known,

1 but which circumstances warrant trebling pursuant to 15 U.S.C. § 1117, as well as the  
2 costs of this action.

3 **THIRD CAUSE OF ACTION**

4 (Common Law Unfair Competition)

5 (Against all Defendants)

6 52. Ashley Madison hereby incorporates by reference as though fully set forth  
7 herein, paragraphs 1- 51, inclusive.

8 53. Upon information and belief, Defendants, and each of them, exercise joint  
9 control over the website located at [www.victoriamilan.com](http://www.victoriamilan.com) and, have acted in concert  
10 and participated in the decision to use, and have induced, cooperated, lent aid, and  
11 encouraged the use of the Ashley Madison Trade Dress as alleged above. Defendants'  
12 conduct alleged herein constitutes use of colorable imitations of the Ashley Madison  
13 Trade Dress in connection with the advertising or sale of unauthorized services in  
14 commerce. These activities create a likelihood of confusion, mistake, or deception as  
15 to the affiliation, connection, or association of Defendants with Ashley Madison, or as  
16 to the origin, sponsorship, or approval of Defendants' services by Ashley Madison.  
17 Defendants' conduct is likely to induce consumers to believe, contrary to fact, that  
18 Defendants' [www.victoriamilan.com](http://www.victoriamilan.com) website is sponsored, endorsed, approved by, or  
19 connected with Ashley Madison.

20 54. Defendants' conduct is willful, deliberate, and intended to confuse the  
21 public and injure Ashley Madison; further, Defendants' conduct is oppressive and  
22 malicious in that it is intended to injure Ashley Madison and is carried on by  
23 Defendants with a willful and conscious disregard of the rights of others.

24 55. Defendants' conduct constitutes unfair competition under California  
25 common law.

26 56. Defendants' conduct has caused damage to Ashley Madison in an amount  
27 to be determined at trial, and unless restrained, will continue to seriously and  
28 irreparably impair further the value of the Ashley Madison Trade Dress, for which

1 there is no adequate remedy at law. Upon information and belief, Defendants, and  
2 each of them, have profited from this activity and have declined to exercise their rights  
3 to stop it.

4 57. In light of the foregoing, Ashley Madison is entitled to injunctive relief  
5 prohibiting Defendants from using the Ashley Madison Trade Dress or any mark  
6 confusingly similar to the Ashley Madison Trade Dress for any purpose, and to recover  
7 from Defendants all damages, including attorneys' fees, that Ashley Madison has  
8 sustained and will sustain as a result thereof, as well as the costs of this action.

9 **FOURTH CAUSE OF ACTION**

10 (For Unfair Competition under Cal. Bus. & Prof. Code § 17200

11 Against all Defendants)

12 58. Ashley Madison hereby incorporates by reference as though fully set forth  
13 herein, paragraphs 1- 57, inclusive.

14 59. Defendants' conduct alleged herein constitutes trade dress infringement  
15 and false designation of origin and dilution under 15 U.S.C. § 1051 *et seq.*  
16 Defendants' conduct thus constitutes willful and deliberate unfair competition in  
17 wanton disregard of Ashley Madison's valuable intellectual property rights. Upon  
18 information and belief, Defendants, and each of them, have profited from this  
19 infringement and have declined to exercise their rights to stop such infringement.

20 60. Defendants' conduct has directly and proximately caused and will  
21 continue to cause Ashley Madison substantial and irreparable injury, including  
22 customer confusion, injury to their reputation and diminution in value of their  
23 intellectual property and unless restrained, will continue to seriously and irreparably  
24 impair further the value of the Ashley Madison Trade Dress, for which there is no  
25 adequate remedy at law.

26 61. In light of the foregoing, Ashley Madison is entitled to an injunction  
27 under Cal. Bus. & Prof. Code § 17200 *et seq.* restraining Defendants from engaging in  
28



1 further such unlawful conduct, as well as to restitution of those amounts unlawfully  
2 obtained by Defendants through their wrongful conduct.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Ashley Madison requests that judgment be entered in its favor  
5 and against Defendants as follows:

6 1. For a preliminary and permanent injunction:

7 (a) Pursuant to 15 U.S.C. §§ 1116, 1125 enjoining and restraining Defendants  
8 and their agents, affiliates, employees, and all persons in active concert or participation  
9 with them, from directly or indirectly using the Ashley Madison Trade Dress, or any  
10 trade dress confusingly similar to the Ashley Madison Trade Dress, or any other trade  
11 dress or designation that infringes the Ashley Madison Trade Dress in any manner;

12 (b) Pursuant to 15 U.S.C. §§ 1118, 1125 ordering that all labels, signs, prints,  
13 business cards, stationery, packages, wrappers, receptacles, websites, promotional  
14 materials, brochures, manuals, and advertisements displaying any graphics confusingly  
15 similar to the Ashley Madison Trade Dress, or any other trade dress or designation that  
16 infringes the Ashley Madison Trade Dress be delivered up and destroyed;

17 2. Ordering Defendants to file with this Court and serve upon Ashley Madison  
18 within 15 days after issuance of any injunction, a report in writing under oath setting  
19 forth in detail the manner and form in which Defendants have complied with the  
20 injunction;

21 3. Ordering Defendants to account to Ashley Madison for any and all profits  
22 derived by Defendants from the use of the Ashley Madison Trade Dress and for all  
23 damages sustained by Ashley Madison by reason of Defendants' acts of infringement,  
24 false designation of origin, and unfair competition complained of in this complaint,  
25 and that such amounts be held in constructive trust for Ashley Madison;

26 4. That the Court award Ashley Madison:

27 (a) All profits derived by Defendants' wrongful acts complained of herein;  
28



1 (b) All damages sustained by reason of the wrongful acts complained of  
2 herein, but in no event in an amount less than two-million dollars;

3 (c) Treble the amount of actual damages suffered by Ashley Madison under  
4 15 U.S.C. § 1117;

5 (d) Restitution for Defendants' unfair business practices pursuant to Cal. Bus.  
6 & Prof. Code § 17200 *et seq.*;

7 (e) Punitive and exemplary damages against Defendants and in favor of  
8 Ashley Madison in an amount sufficient to deter and punish Defendants for their  
9 willful and wrongful acts;

10 (f) Its costs incurred in this action;

11 (g) Its reasonable attorneys' fees pursuant to 15 U.S.C. § 1117(a);

12 (h) Pre-judgment and post-judgment interest; and

13 (i) Such other and further relief as this Court deems just and proper.

14 K&L GATES LLP

15  
16 Dated: October 5, 2012

By: 

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Cyrus S. Naim  
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Attorneys for Plaintiff  
Avid Life Media, Inc. and Avid Dating  
Life, Inc.

**JURY DEMAND**

Plaintiffs Avid Life Media, Inc. and Avid Dating Life, Inc. hereby demand a jury trial for all issues triable by a jury.

K&L GATES LLP

Dated: October 5, 2012

By: Seth A. Gold  
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Attorneys for Plaintiff  
Avid Life Media, Inc. and Avid Dating  
Life, Inc.

# EXHIBIT A

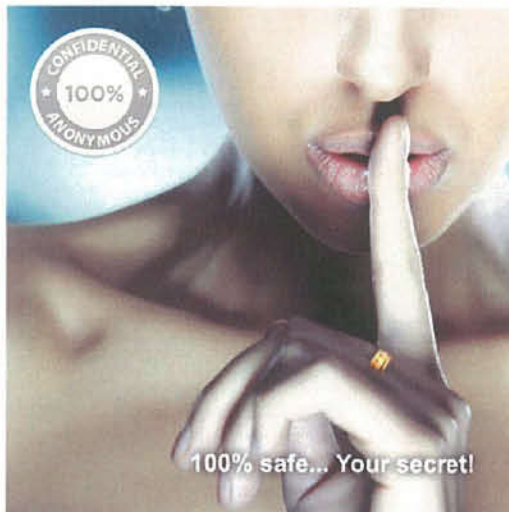
**VICTORIAMILAN.com**  
Relive the Passion • Find your Affair

ALREADY A MEMBER? SIGN IN NOW!

PASSWORD:

LOGIN »

[FORGOT YOUR PASSWORD?](#)



**DISCREET DATING FOR  
MARRIED & ATTACHED**

**RELIVE THE PASSION -  
JOIN US TODAY FOR **FREE!****

--- Select your relationship status --- ▾

Join **FREE** & Anonymously »

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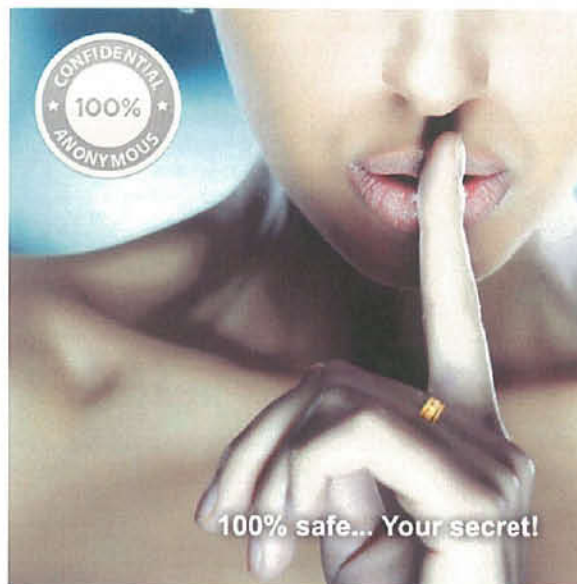
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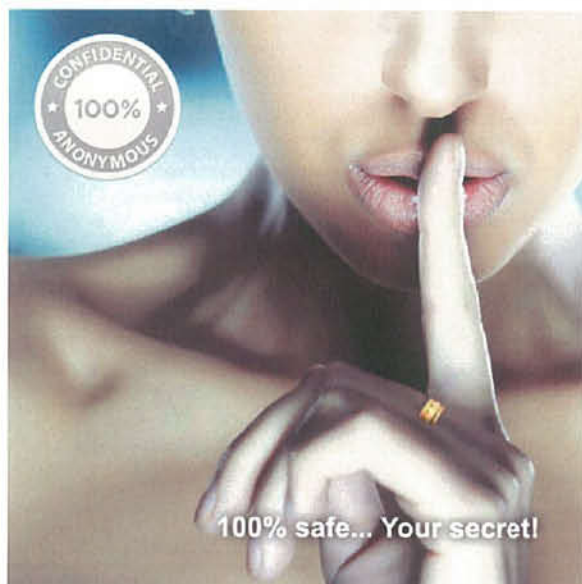
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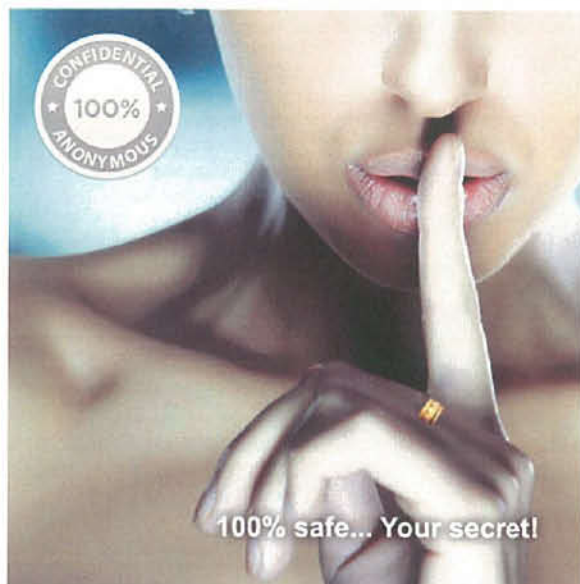
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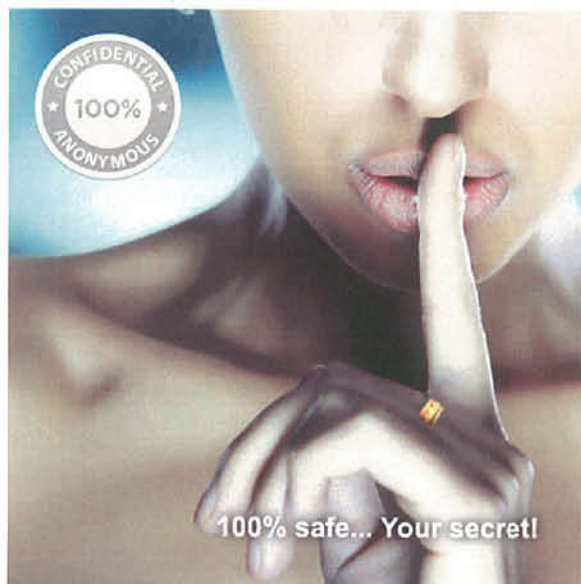
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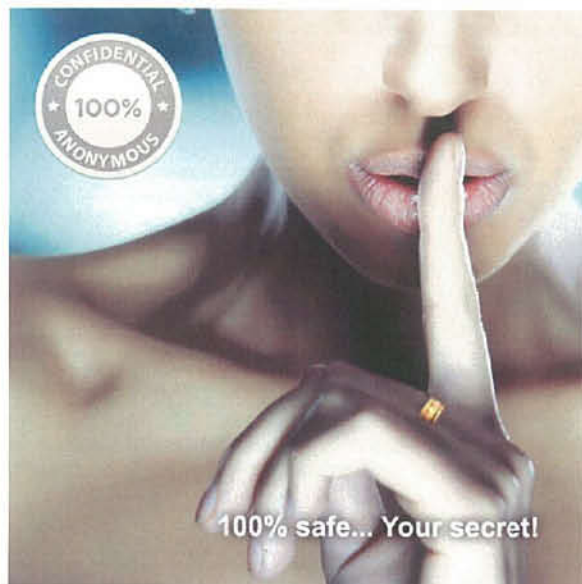
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VictoriaMilan **USA**



# EXHIBIT B

Int. Cls.: 38 and 45

Prior U.S. Cls.: 100, 101 and 104

**United States Patent and Trademark Office**

**Reg. No. 2,812,950**

Registered Feb. 10, 2004

**SERVICE MARK  
PRINCIPAL REGISTER**

**ASHLEY MADISON**

THE ASHLEY MADISON AGENCY LIMITED  
(CANADA CORPORATION)  
2300 YONGE STREET, P.O. BOX 2313, TORONTO  
SUITE 2103  
ONTARIO, CANADA M4P 1E4

FOR: PROVIDING ON-LINE CHAT ROOMS FOR  
TRANSMISSION OF MESSAGES AMONG COMPU-  
TER USERS AND VIA A GLOBAL COMPUTER  
NETWORK FACILITATED TELEPHONE CALLS  
CONCERNING EROTIC AND ADULT FANTASY,  
IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-21-2002; IN COMMERCE 1-21-2002.

FOR: COMPUTER SERVICES, NAMELY, ON-  
LINE DATING AND MATCHMAKING AND SO-

CIAL INTRODUCTION SERVICES, IN CLASS 45  
(U.S. CLS. 100 AND 101).

FIRST USE 1-21-2002; IN COMMERCE 1-21-2002.

PRIORITY CLAIMED UNDER SEC. 44(D) ON  
CANADA APPLICATION NO. 1146102, FILED 7-8-  
2002.

THE NAME "ASHLEY MADISON" DOES NOT  
IDENTIFY A LIVING INDIVIDUAL.

SER. NO. 78-187,090, FILED 11-20-2002.

MICHELE SWAIN, EXAMINING ATTORNEY

Int. Cls.: 38 and 45

Prior U.S. Cls.: 100, 101 and 104

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SER. NO. 78-187,090, FILED 11-20-2002.

MICHELE SWAIN, EXAMINING ATTORNEY

# EXHIBIT C







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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge John Kronstadt and the assigned discovery Magistrate Judge is Fernando M. Olguin.

The case number on all documents filed with the Court should read as follows:

**CV12- 8602 JAK (FMOx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

K&L Gates LLP  
 10100 Santa Monica Blvd., 7th Floor  
 Los Angeles, California 90067  
 Tel: 310-552-5000 / Fax: 310-552-5001  
 Seth A. Gold (SBN 163220) seth.gold@klgates.com  
 Cyrus Naim (SBN 240119) cyrus.naim@klgates.com

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

AVID MEDIA, INC., an Ontario corporation, and  
 AVID DATING LIFE, INC., an Ontario corporation  
 dba ASHLEY MADISON

PLAINTIFF(S)

v.

DIGISEC MEDIA AS dba www.victoriamilan.com, a  
 Norway company; SIGURD VEDAL, an individual;  
 and DOES 1 THROUGH 10

DEFENDANT(S).

CASE NUMBER

CV12-08602-JAC(FNOX)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Seth A. Gold, whose address is 10100 Santa Monica Blvd., 7th Floor, Los Angeles, California 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

OCT - 5 2012

Clerk, U.S. District Court

Dated: \_\_\_\_\_

By: JULIE PRADO  
 Deputy Clerk



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> AVID LIFE MEDIA, INC., an Ontario corporation, and AVID DATING LIFE, INC., an Ontario corporation dba ASHLEY MADISON		<b>DEFENDANTS</b> DIGISEC MEDIA AS dba www.victoriamilan.com, a Norway company; SIGURD VEDAL, an individual; and DOES 1 THROUGH 10	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Seth A. Gold, K&L Gates, LLP 10100 Santa Monica Blvd., 7th Floor, Los Angeles, California 90067 Tel: 310-552-5000		Attorneys (If Known)	

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td></td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																				
	<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

<b>V. REQUESTED IN COMPLAINT:</b> JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) <b>CLASS ACTION</b> under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT:</b> \$ According to Proof
---

<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 U.S.C. §1125: Trade dress infringement, false designation of origin, unfair competition
---

<b>VII. NATURE OF SUIT</b> (Place an X in one box only.) <table style="width:100%; border: none;"> <tr> <td style="width:25%; vertical-align: top;"> <input type="checkbox"/> 400 State Reapportionment  <input type="checkbox"/> 410 Antitrust  <input type="checkbox"/> 430 Banks and Banking  <input type="checkbox"/> 450 Commerce/ICC Rates/etc.  <input type="checkbox"/> 460 Deportation  <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations  <input type="checkbox"/> 480 Consumer Credit  <input type="checkbox"/> 490 Cable/Sat TV  <input type="checkbox"/> 810 Selective Service  <input type="checkbox"/> 850 Securities/Commodities/Exchange  <input type="checkbox"/> 875 Customer Challenge 12 USC 3410  <input type="checkbox"/> 890 Other Statutory Actions  <input type="checkbox"/> 891 Agricultural Act  <input type="checkbox"/> 892 Economic Stabilization Act  <input type="checkbox"/> 893 Environmental Matters  <input type="checkbox"/> 894 Energy Allocation Act  <input type="checkbox"/> 895 Freedom of Info. Act  <input checked="" type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice  <input type="checkbox"/> 950 Constitutionality of State Statutes         </td> <td style="width:25%; vertical-align: top;"> <input type="checkbox"/> 110 Insurance  <input type="checkbox"/> 120 Marine  <input type="checkbox"/> 130 Miller Act  <input type="checkbox"/> 140 Negotiable Instrument  <input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment  <input type="checkbox"/> 151 Medicare Act  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)  <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits  <input type="checkbox"/> 160 Stockholders' Suits  <input type="checkbox"/> 190 Other Contract  <input type="checkbox"/> 195 Contract Product Liability  <input type="checkbox"/> 196 Franchise  <input type="checkbox"/> 210 Land Condemnation  <input type="checkbox"/> 220 Foreclosure  <input type="checkbox"/> 230 Rent Lease &amp; Ejectment  <input type="checkbox"/> 240 Torts to Land  <input type="checkbox"/> 245 Tort Product Liability  <input type="checkbox"/> 290 All Other Real Property         </td> <td style="width:25%; vertical-align: top;"> <b>PERSONAL INJURY</b>  <input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Fed. Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury  <input type="checkbox"/> 362 Personal Injury-Med Malpractice  <input type="checkbox"/> 365 Personal Injury-Product Liability  <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <input type="checkbox"/> 462 Naturalization Application  <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee  <input type="checkbox"/> 465 Other Immigration Actions         </td> <td style="width:25%; vertical-align: top;"> <b>PERSONAL PROPERTY</b>  <input type="checkbox"/> 370 Other Fraud  <input type="checkbox"/> 371 Truth in Lending  <input type="checkbox"/> 380 Other Personal Property Damage  <input type="checkbox"/> 385 Property Damage Product Liability  <input type="checkbox"/> 422 Appeal 28 USC 158  <input type="checkbox"/> 423 Withdrawal 28 USC 157  <input type="checkbox"/> 441 Voting  <input type="checkbox"/> 442 Employment  <input type="checkbox"/> 443 Housing/Accommodations  <input type="checkbox"/> 444 Welfare  <input type="checkbox"/> 445 American with Disabilities - Employment  <input type="checkbox"/> 446 American with Disabilities - Other  <input type="checkbox"/> 440 Other Civil Rights         </td> <td style="width:25%; vertical-align: top;"> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus  <input type="checkbox"/> 530 General  <input type="checkbox"/> 535 Death Penalty  <input type="checkbox"/> 540 Mandamus/Other  <input type="checkbox"/> 550 Civil Rights  <input type="checkbox"/> 555 Prison Condition  <input type="checkbox"/> 610 Agriculture  <input type="checkbox"/> 620 Other Food &amp; Drug  <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881  <input type="checkbox"/> 630 Liquor Laws  <input type="checkbox"/> 640 R.R. &amp; Truck  <input type="checkbox"/> 650 Airline Regs  <input type="checkbox"/> 660 Occupational Safety/Health  <input type="checkbox"/> 690 Other         </td> <td style="width:25%; vertical-align: top;"> <input type="checkbox"/> 710 Fair Labor Standards Act  <input type="checkbox"/> 720 Labor/Mgmt. Relations  <input type="checkbox"/> 730 Labor/Mgmt. Reporting &amp; Disclosure Act  <input type="checkbox"/> 740 Railway Labor Act  <input type="checkbox"/> 790 Other Labor Litigation  <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <input type="checkbox"/> 820 Copyrights  <input type="checkbox"/> 830 Patent  <input checked="" type="checkbox"/> 840 Trademark  <input type="checkbox"/> 861 HIA (1395ff)  <input type="checkbox"/> 862 Black Lung (923)  <input type="checkbox"/> 863 DIWC/DIWW (405(g))  <input type="checkbox"/> 864 SSID Title XVI  <input type="checkbox"/> 865 RSI (405(g))  <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)  <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609         </td> </tr> </table>	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. 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CV12-08602

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT-SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Ontario, Canada

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Norway

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, California	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):**  Date October 5, 2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))